

STATE OF MINNESOTA)
) ss. AFFIDAVIT OF WILLIAM WETHINGTON
COUNTY OF RAMSEY)

1. I am employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and am thus an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18 of the United States Code. I have been an ATF Special Agent since October 2019. I am currently assigned to the St. Paul Field Office. In my capacity as an ATF Special Agent, I have participated in criminal investigations of individuals and entities related to violations of Federal Laws, particularly those laws found in United States Code, Titles 18 (firearms), 21 (narcotics), and 26 (firearms). In addition, I work with various law enforcement agencies and drug task forces throughout the State of Minnesota that have collectively participated in hundreds of investigations involving firearms and controlled substances violations. Prior to his employment with the ATF, I was a Police Officer on Saint Louis, Missouri Metropolitan Police Department for approximately seven years.

2. This affidavit is submitted for the limited purpose of establishing probable cause in support of issuing a complaint and arrest warrant for Markyse Maurice WELLS for possession of a firearm by a felon in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

3. This affidavit is based on my personal knowledge, as well as

information I have learned from other law enforcement officers and the review of reports, written materials, and recordings. This affidavit does not include all the details I have learned regarding this investigation. Rather, it only includes information believed to be sufficient to establish probable cause.

PROBABLE CAUSE

4. On March 15, 2022, at approximately 10:30 a.m., officers of the Robbinsdale Police Department on routine patrol were stopped at a traffic light on 36th Avenue, in the State and District of Minnesota. The officers were traveling east in a marked police vehicle. While stopped, one of the officers saw a black Chevrolet Suburban traveling westbound on 36th Avenue, also stopped at the light. The officer noticed that the tint of the windows of the Suburban appeared to violate Minnesota law; the tint was darker than allowed.

5. The officers began following the Suburban, and noticed that the vehicle made a series of turns that caused the officers to be concerned that the driver of the vehicle was trying to evade the officers. When the vehicle turned onto France Avenue, the officers initiated a traffic stop based on the illegal tint.

6. The driver of the Suburban, later identified as WELLS, stopped the vehicle. When one of the officers approached the vehicle on foot, the officer noticed the smell of marijuana emanating from the Suburban. The officer asked WELLS if there were any marijuana in the vehicle, and WELLS said

there was not. The officer told WELLS that the officer smelled marijuana, and WELLS indicated that the officer was smelling the ashtray. The officer asked if there were any “roaches” (slang for the end of a smoked marijuana cigarette), and WELLS said there was. WELLS showed the officer the ashtray, and the officer saw what he determined to be the remains of marijuana cigarettes.

7. The officer asked WELLS to step out of the vehicle. WELLS appeared to the officer to be unusually nervous. While the officer escorted WELLS to the back of the officer’s squad car, WELLS broke free and ran away. The officer pursued on foot. Another officer remained at the Chevrolet Suburban.

8. During the chase, the officer notified other law enforcement agencies of WELLS’s flight. WELLS was eventually able to get away from the pursuing officer.

9. In the meantime, another officer began to search the Chevrolet Suburban. Inside the vehicle, the officer found a backpack in the front passenger seat. Inside the backpack was a large plastic container with what appeared to be marijuana. Also in the backpack was a large scale with what appeared to be marijuana on it, as well as a bottle containing a liquid labelled “Promethazine Hydrochloride.” Inside the center console, the officer found another bag of what appeared to be marijuana. Between the driver’s seat and the center console was a firearm. The officer recovered the firearm, and saw

that it had an automatic sear (sometimes referred to as an “auto sear” or “switch”) on it that would convert the firearm to an automatic weapon, in violation of federal law. The firearm also had an extended magazine. The firearm was determined to be a Glock model 27 pistol bearing serial number GGR314.

10. Meanwhile, other officers were able to apprehend WELLS, hiding in the bathroom of a nearby gas station. WELLS was arrested and taken to the Robbinsdale Police Department.

11. At the Police Department, a Robbinsdale detective and I interviewed WELLS. I advised WELLS of his rights, and WELLS stated he understood them. In the subsequent interview, WELLS admitted that the firearm recovered in the vehicle was his. He acknowledged that he knew the firearm had an auto sear that made it fire automatically. He also admitted that he was a felon, and that he was prohibited from possessing a firearm.

12. I have consulted with an ATF Interstate Nexus Expert, who has made a preliminary determination that the Glock model 27 pistol bearing serial number GGR314 was not manufactured in the State of Minnesota. As a result, the firearm had to travel in interstate and/or foreign commerce prior to arriving in the State and District of Minnesota on March 15, 2022.

13. I have researched certain available criminal history records for Markyse Maurice WELLS. Based on my review of those records, I believe that

WELLS had at least the following felony convictions prior to March 15, 2022, each of which was punishable by a term of imprisonment exceeding one year:

Offense	Place of Conviction	Date of Conviction (On or About)
Reckless Discharge of a Firearm	Hennepin County, MN	April 14, 2017
Simple Robbery	Hennepin County, MN	June 4, 2018

14. I note that in both these convictions, WELLS received sentences of more than 12 months, and therefore knew he had been convicted of at least one offense punishable by imprisonment for a term exceeding one year.

15. Based on the information set forth above, there is probable cause to believe that Markyse Maurice WELLS violated Title 18, United States Code, Sections 922(g)(1) and 924(a)(2), by possessing in and affecting interstate commerce a firearm after having been convicted of at least one offense punishable by imprisonment for a term exceeding one year.

Further your Affiant sayeth not.



William Wethington
Special Agent, ATF

SUBSCRIBED and SWORN before me
by reliable electronic means via FaceTime and
email pursuant to Fed. R. Crim. P. 41(d)(3) on
April 19, 2022:



HILDY BOWBEER
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF MINNESOTA